IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.06.2005

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice AR.RAMALINGAM

Writ Petition Nos.34019 and 34067 of 2002
and
WPMP No.50373 of 2002

1. The Tamil Nadu Uniformed Services
Recruitment Board rep. by its
Chairman, Chennai-20.

2. The Director General of Police,
Chennai-4. .. Petitioners in both W.Ps.

vs.

G.Loganathan .. R1 in WP.34019/02

K.Muniasamy .. R1 in WP.34067/02

The Registrar,
Tamilnadu Administrative Tribunal,
Chennai-104. ... R-2 in both WPs.

For petitioners : Mr.S.Srinivasan,
Govt. Advocate.

For R1 in both WPs : Mr.M.Ravi

.....

WEB COPY

Petitions under Article 226 of the Constitution of India for the issuance of writ of certiorari to call for the records of the second respondent pertaining to the orders dated 15.04.2002, made in O.A. No.1141/02 (challenged in WP.34019/02) and O.A. No.1223/02 (challenged in WP.34067/02) and to quash the same.

https://hcservices.ecourts.gov.in/hcservices/

COMMON ORDER

(Order of the Court was made by P.SATHASIVAM, J.)

. . . . .

Since the question raised in both the Writ Petitions is similar and identical, they are being disposed of by the following common order.

2. Aggrieved by the order of the Tamil Nadu Administrative Tribunal, dated 15.04.2002, both the petitioners/Police Department have filed the above Writ Petitions. It is seen that though the first respondent in these Writ Petitions/applicants before the Tribunal satisfied all the conditions, at the time of verification, it was found that both of them failed to inform their involvement in any criminal proceeding at the relevant date.

In the first Writ Petition, viz., W.P. No.34019 of 2002, though the first respondent herein involved in a criminal proceeding, the date on which he filled up the application, namely, on 15.10.2001, he did not mention the pendency of criminal proceeding in column No.15 of the said application. However, according to the counsel for first respondent, on the next day, i.e., on 16.10.2001, realising his mistake, the applicant volunteered and submitted a representation, intimating the pendency of the said criminal proceeding. It is also his claim that the same was acknowledged by the concerned authorities. It is also brought to our notice that after a period of three days, i.e., on 19.01.2001, even the said criminal case ended in acquittal.

As regards the second writ petition, viz., W.P. No.34067 of 2002, it is the claim of the first respondent/applicant that he filled up the application on 09.10.2001. Here again, according to him, though he did not refer his involvement in criminal proceeding, realising his mistake, on 12.10.2001 itself, he furnished the details of his antecedents. It is also brought to our notice that even prior to the date of application, that is, on 27.09.2001, according to the counsel, the said criminal case ended in acquittal.

3. By pointing out the above information, learned counsel appearing for the first respondent in both the writ petitions argued that there is no deliberate omission and it is only an inadvertent mistake and even the said mistake was rectified by intimating the particulars immediately to the authority concerned. In this regard, learned counsel, relying on a judgment of the Supreme Court reported in (1999) 1 SCC 246 (Commissioner of Police

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

v. Dhaval Singh), would contend that by applying the principle laid down in the said decision and of the fact that the omission is not deliberate, the Tribunal is justified in issuing positive direction and the petitioners herein ought to have issued appointment orders.

4. In similar circumstances, following the above referred decision of the Supreme Court, we ourselves confirmed similar orders passed by the Tamil Nadu Administrative Tribunal, by order dated 22.06.2005, in W.P. Nos.2265 and 2266 of 2002. By applying the decision of the Supreme Court and the view taken by us in the above referred case, we have no other option except to confirm the order of the Tamil Nadu Administrative Tribunal. Hence, both the Writ Petitions fail and accordingly, the same are dismissed. No costs. Connected Miscellaneous Petition stands closed. In view of the dismissal of the writ petitions, the petitioners are directed to implement the order of the Tribunal within a period of four weeks from the date of receipt of copy of this order.

23.06.2005.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai-20.

2. The Director General of Police, Chennai-4.

3. The Registrar, Tamil Nadu Administrative Tribunal, Chennai.

2 ccs to Mr.N.Ravi, Advocate, SR.25611 and 25610
2 ccs to Govt. Pleader SR.25649 and 25650

psi (co)

dv

Common Order
in WPs.34019 and
34067/2002.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/